

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Patent Application of: |) | Examiner: Gary, Erika A. |
| |) | |
| Engstrom et al. |) | Art Unit: 2617 |
| |) | |
| Application No.: 10/550,926 |) | Confirmation No. 4431 |
| |) | |
| Filed: August 8, 2006 |) | |
| |) | |
| For: WIRELESS MOBILE PHONE WITH |) | |
| AUTHENTICATED MODE OF |) | |
| OPERATION INCLUDING PHOTO |) | |
| BASED IDENTIFICATION |) | |
| _____ |) | |

U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

ASSERTION OF SMALL ENTITY STATUS

Dear Sir:

Assignee, Varia LLC, is entitled to assert small entity status for the above-referenced patent application pursuant to 37 CFR 1.27 and requests that you amend your records in accordance with this assertion.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: September 12, 2008

/Al AuYeung/
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